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BEST AVAILABLE COPYFile No. A33723-070050.1407

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Pang *et al.*
Serial No. : 09/911,821
Filed : July 24, 2001
For : A COMPUTATIONAL METHOD FOR PREDICTING
INTRAMOLECULAR AND INTERMOLECULAR BIOPOLYMER
INTERACTIONS

PETITION TO REVIVE UNDER 37 C.F.R. §1.137(b)

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450

July 22, 2004

Date of Deposit

Lisa B. Kole

Attorney Name

Signature

35,225

PTO Registration No.

July 22, 2004

Date of Signature

BOX PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the NOTICE OF ABANDONMENT UNDER 37 C.F.R. §1.53(f)

OR (g) dated June 9, 2004 (the "NOTICE"), Applicants earnestly request that the subject

application be revived because the delay in responding to the Notice to File Missing Parts of

07/27/2004 HAL111 00000025 024377 09911821

01 FC:2453 15.00 DA 650.00 OP

NY02:491331.1

Nonprovisional Application dated August 9, 2001 (the "Notice to File Missing Parts"; Exhibit A) was unintentional.

In fact, prior to the due date for responding to the Notice to File Missing Parts, on September 20, 2001, a Response was filed under Certificate of Mail (the "Response"; Exhibit B). That Response included a paper entitled "Response To Notice To File Missing Parts of an Application Under 37 C.F.R. §1.53(b)," a check for \$65.00, an executed Combined Declaration and Power of Attorney, a copy of the Notice to File Missing Parts, and a return receipt postcard.

A copy of the return receipt postcard date stamped by the United States Patent and Trademark Office on September 24, 2001 (also before the due date of the Notice to File Missing Parts) is attached as Exhibit C, showing that the Response was in fact received.

Upon receiving the NOTICE dated June 9, 2004, indicating that the above-identified application was abandoned for failure to respond to the Notice of Missing Parts, Attorneys for Applicants carefully reviewed the file. It should be noted that both attorneys named on the Response, Alicia Russo and Henry Tang, are no longer employed by the firm of Baker Botts, Attorneys for Applicants.

Upon review of the file, it was discovered that the Notice to File Missing Parts included a statement indicating that the application was not in compliance with the Sequence Rules which apparently was overlooked by the persons charged with preparing the Response. That this requirement was inadvertently overlooked is indicated by, first, a letter reporting the filing of the Response to Applicants (Exhibit D) and, second, by a letter reminding Applicants of the deadline of July 24, 2002 for filing a PCT application based on the instant application

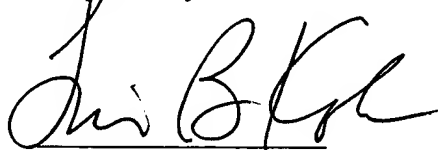
(Exhibit E). Exhibit D indicates that Attorneys for Applicants believed that they had provided an impliedly complete response to the Notice to File Missing Parts. Exhibit E (dated June 25, 2002) indicates that Attorneys for Applicants regarded the application as pending, rather than having lapsed when the final deadline for filing a complete response expired on February 9, 2002.

For all the foregoing reasons, Attorneys for Applicants believe that the entire delay in responding to the Notice to File Missing Parts was UNINTENTIONAL, as the deficiencies in the Response were apparently only appreciated when Attorneys for Applicants received the NOTICE mailed June 9, 2004.

A Sequence Listing and Amendment, which completes the Response required by the Notice to File Missing Parts, is submitted herewith, together with the petition fee set forth in 37 C.F.R. §1.137(d).

Because the entire delay in response to the Notice to File Missing Parts was unintentional, and this Petition is accompanied by the required response as well as the required fee, it is earnestly requested that the above-identified patent application be revived.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Lisa B. Kole', written over a horizontal line.

Lisa B. Kole
PTO Reg. No. 35,225
(212) 408-2628
BAKER BOTTS L.L.P.
Attorneys for Applicants

BAKER BOTTS LLP

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June 25, 2002

Alicia A. Russo
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FAX (212)705-5020
alicia.russo@bakerbotts.com

Ms. Laura Amos
Columbia Innovation Enterprise,
Columbia University
PH 1535 East
630 West 168th Street
New York, New York 10032

Re: U.S. Patent Application of Pang et al. for "A COMPUTATIONAL
METHOD FOR PREDICTING INTRAMOLECULAR AND
INTERMOLECULAR BIOPOLYMER INTERACTIONS"
Your File No.: 1106
Our File No.: A33723 / 070050.1407

Dear Ms. Amos:

A routine docket call-up reminds us that the period for filing a PCT application or patent applications in foreign countries in which claims for priority based on the above-referenced U.S. patent application are to be made, expires in approximately one month on **July 24, 2002**.

Please let us know by **July 12th** whether you would like to file a PCT application or any foreign patent applications for the above-referenced U.S. patent application.

Sincerely,



Alicia A. Russo

Enclosure

cc: Henry Tang, Esq.
Augustine V. Cheng, Esq.
Michael J. Cleare, Ph.D.
Ofra Weinberger
Wanda Velez



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/911,821	07/24/2001	Phillip S. Pang	A33723 / 070050.1407

BAKER BOTTS LLP
 44TH FLOOR
 30 ROCKEFELLER PLAZA
 NEW YORK, NY 10112-0228



CONFIRMATION NO. 6323

ABANDONMENT/TERMINATION
LETTER

OC000000012907017

Date Mailed: 06/09/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/09/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

M. Young

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 08/09/01.

Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within **2 months** from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

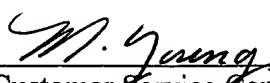
Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.


Customer Service Center
Initial Patent Examination Division (703) 308-1202



UNITED STATES PATENT AND TRADEMARK OFFICE

TO
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/911,821	07/24/2001	Phillip S. Pang	A33723 / 070050.1407

CONFIRMATION NO. 6323

FORMALITIES LETTER



OC00000006403805

BAKER BOTTS LLP
44TH FLOOR
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112-0228

Date Mailed: 08/09/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

AS

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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

3723

BAKER BOTTS L.L.P.

01 OCT -1 PM 12: 22

TO

In Re:	Pang et al.	09/911,821
	(Applicant)	(Serial No.)
In Re:	Response	Sept. 20, 2001
	(Title of Paper)	(Date)
		A33723.070050.1407
		(File No.)

The stamp of the Patent Office Mail Room hereon acknowledges the receipt of the above-identified papers on the date indicated by such stamp.

Enclosed:
Response to Notice to File Missing Parts,
Combined Declaration and Power of Attorney,
Copy of Notice to File Missing Parts,
Check for \$65

Box MISSING PARTS



TIMELY RESPONSE

CERTIFICATE OF MAILING FOR AMENDMENT/REQUEST
FOR EXTENSION OF TIME APPENDED TO THE END OF
DOCUMENT FILED, EXECUTED BY ATTORNEY WITH
STATED FIRST CLASS MAILING DATE OF 9/20/01
SUCH BEING PRIOR TO THE EXPIRATION OF THE
ALLOWED PERIOD


INITIALS

In Re:	Pang et al.	09/911,821
	(Applicant)	(Serial No.)
In Re:	Response	Sept. 20, 2001
	(Title of Paper)	(Date)
		A33723.070050.1407
		(File No.)

The stamp of the Patent Office Mail Room hereon acknowledges the receipt of the above-identified papers on the date indicated by such stamp.

Enclosed:

Response to Notice to File Missing Parts,
Combined Declaration and Power of Attorney,
Copy of Notice to File Missing Parts,
Check for \$65

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INQUIRIES:(212) 705-5000
TAXPAYER I.D. #74-1195457

Invoice No.	Date	Voucher	Gross Amount	Discount	Net Amount
10056445	09/20/2001	ARusso A33723 859700	65.00	0.00	65.00

Check No.	165475	Check Date	09/20/2001	Vendor No.	11135	
Vendor Name	COMMISSIONER OF PATENTS AND			Total Amount	65.00	

Chase Bank, N. A.
New York, New York

BAKER BOTTS L.L.P.
ATTORNEYS AT LAW
New York Operating Account

CHECK # 165475
DATE 09/20/2001

1-2
210

\$*****65.00

PAY SIXTY-FIVE AND 00/100 Dollars

NOT NEGOTIABLE SIX MONTHS
FROM THE DATE OF ISSUE

TWO SIGNATURES REQUIRED OVER \$2500.00

TO THE
ORDER
OF

COMMISSIONER OF PATENTS AND
TRADEMARKS

TWO SIGNATURES REQUIRED OVER \$2500.00

Russell Fuler

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